

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**PAINTERS DISTRICT COUNCIL #58
401(K) TRUST FUND, et al.,**

Plaintiffs,

v.

Case No. 23-CV-00183-SPM

HARMONY GLASS, INC.,

Defendant.

DEFAULT JUDGMENT

This civil case arises under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1002–1193c (“ERISA”). Before the Court is Plaintiffs’ Motion for Default Judgment against Defendant Harmony Glass, Inc. (Doc. 17). For the reasons below, the Plaintiffs’ Motion is **GRANTED in part**.

There are two stages to default. First, the Clerk of Court must enter a party’s default “[w]hen a party against whom a judgment for affirmative relief has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise.” FED. R. CIV. P. 55. Then, the Court may enter a default judgment for the amount due. *Id.*

Here, the Clerk of Court entered Defendant’s default on August 24, 2023. (*See* Doc. 8). Plaintiffs also showed that Defendant failed to make monthly contributions as required by the labor agreement. (*See* Doc. 17). It is therefore appropriate for the Court to enter a default judgment.

Accordingly, **IT IS HEREBY ORDERED AND ADJUDGED** that Plaintiffs have a judgment against Defendant Harmony Glass, Inc. in a sum certain to be determined by a payroll compliance audit. Defendant shall produce all records necessary for the Trust Funds' auditors to complete a payroll compliance audit of Harmony Glass, Inc. for the period of January 1, 2020, through present.

Plaintiffs are **GRANTED** leave from the Court to petition this Court for entry of Final Judgment in Sum Certain to include all contributions, payroll deductions, liquidated damages, interest, and audit fees revealed to be due and owing by the audit for the period of January 1, 2020, through present and Harmony Glass, Inc.'s missing contribution reports, along with their attorneys' fees and costs expended in preparing and bringing this lawsuit pursuant to the CBA, Trust Agreements, Audit and Collection Policy and Procedures, and 29 U.S.C. §1132(g)(2)(D).

Once a sum certain is submitted for all contributions, payroll deductions, liquidated damages, interest, and audit fees owed, the Court will enter default judgment comprising all of those sums owed.

IT IS SO ORDERED.

DATED: December 11, 2024

s/ Stephen P. McGlynn
STEPHEN P. McGLYNN
U.S. District Judge